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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

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11 GIL CROSTHWAITE, et al., )  
12 Plaintiff(s), ) No. C08-2403 JSW (BZ)  
13 v. ) ORDER SCHEDULING DEFAULT  
14 RYAN MCCLURE EXCAVATION, ) JUDGMENT HEARING  
15 INC., )  
16 Defendant(s). )  
\_\_\_\_\_ )

17 It is **HEREBY ORDERED** that a hearing on plaintiffs'  
18 application for default judgment is scheduled for **Wednesday,**  
19 **June 24, 2009 at 10:00 a.m.** in Courtroom G, 15th Floor, 450  
20 Golden Gate Avenue, San Francisco, California, 94102.

21 Claims for attorneys' fees should be supported by billing  
22 records. Compliance with 50 App. U.S.C. § 501 et seq. of the  
23 Servicemembers' Civil Relief Act may not be satisfied on  
24 information and belief. See 50 App. U.S.C. § 521(b)(1);  
25 United States v. Simmons, 508 F.Supp. 552 (E.D. Tenn.  
1980)(interpreting 50 App. U.S.C. § 520(1), predecessor to 50  
App. U.S.C. § 521(b)(1)). The public website  
<https://www.dmdc.osd.mil/scra/owa/home> will provide the

1 current active military status of an individual and has  
2 instructions on obtaining certificates of service or non-  
3 service under the Servicemembers' Civil Relief Act.

4 Plaintiffs should be prepared to prove their damages by  
5 competent testimony or other admissible evidence. If  
6 plaintiffs intend to prove damages by affidavits or  
7 declarations, the affiant or declarant should have personal  
8 knowledge of all matters to which she testifies. For all  
9 evidence, proper foundations must be established. For an  
10 explanation of the evidentiary requirements for proving  
11 damages in a default case, the parties are encouraged to  
12 consult Chapter Six of Civil Procedure Before Trial by William  
13 W. Schwarzer, A. Wallace Tashima, and James M. Wagstaffe.

14 Defendant should attend the hearing if it contests the  
15 validity or amount of plaintiffs' claim. Seven days before  
16 the hearing, on **Wednesday, June 17, 2009**, plaintiffs shall  
17 file a declaration setting forth in detail all steps taken to  
18 serve defendant with notice of this hearing.

19 Dated: May 4, 2009

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22 Bernard Zimmerman  
United States Magistrate Judge

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